UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 12/18/73

FROM : Legal Counsel

SUBJECT: HAROLD WEISBERG v.
U.S. DEPARTMENT OF JUSTICE
FREEDOM OF INFORMATION ACT

Attached is a copy of the decision of the United States Court of Appeals for the District of Columbia Circuit which was decided on 10/24/73 in captioned case.

Plaintiff in this civil action had requested under the Freedom of Information Act material from our investigative file relating to the assassination of the late President John F. Kennedy. Weisberg's request was denied and he subsequently filed a civil action in the United States District Court in Washington. His complaint was dismissed by the District Court and he appealed to the United States Circuit Court. The initial opinion by the Circuit Court was adverse to the Government in that it would require the Government to justify the withholding of information in investigative files on the basis that some ongoing investigative matter would be prejudiced by disclosure. The Government petitioned the Circuit Court for a hearing en banc, which was granted. The decision handed down on 10/24/73, with only Chief Judge Bazelon dissenting, interpreted the seventh exception in the Freedom of Information Act relating to investigatory files compiled for law enforcement purposes as covering all materials in an investigatory file. This decision will permit us to deny access to those materials which are clearly contained in one of our investigatory files.

RECOMMENDATION:

None; for information.

Enc.
1 - Mr. Franck
2 - Mr. Mintz
1 - Mr. Williamson

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